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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,104	03/26/2004	Wolfgang Buchhauser	071308.0526	8036

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PATENT DEPARTMENT
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AUSTIN, TX 78701-4039

EXAMINER

LAZO, THOMAS E

ART UNIT	PAPER NUMBER
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3745

MAIL DATE	DELIVERY MODE
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05/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/810,104

Applicant(s)

BUCHHAUSER ET AL.

Examiner

Thomas E. Lazo

Art Unit

3745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 10-15 and 20 is/are rejected.
- 7) ☒ Claim(s) 6-9 and 16-19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/26/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

Claims 3, 12, and 13 are objected to because of the following informalities:

In claim 3, line 3, --radial-- should be inserted before “planes” (clarity of frame of reference).

In claim 12, line 4, “return” should be --restoring--

In claim 13, line 3, --radial-- should be inserted before “planes” (clarity of frame of reference).

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 10-15, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Guentert et al. (WO 9937916 A1). Guentert et al. discloses a radial piston pump with a radial piston 1 having at least one recess (figure 2) displaceably mounted in a cylinder 2, a restoring element 5 for restoring the piston 1 from an upper dead-center position, a one-piece connecting element 14 for connecting the piston 1 to the restoring element 5 with a positive fit having a snap-in connection for connecting the connecting element 14 and the at least one recess formed

in the piston 1, wherein the connecting element 14 is an essentially annular component, an inner region of the connecting element 14 providing a positive-fit connection to the piston 1, and an outer region of the connecting element providing a connection to the restoring element 5, the inner region is arranged in the axial direction of the connecting element, and the outer region is arranged on different radial planes, the inner region is formed by at least one mating surface bent from a main plane of the one-piece connecting element 14, and the recess formed in the piston is an annular groove (figure 2).

Claims 1, 2, 10-12, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Eisenbacher et al. (5,382,140). Eisenbacher et al. discloses a radial piston pump with a radial piston 40 having at least one recess 76 displaceably mounted in a cylinder, a restoring element 66 for restoring the piston 40 from an upper dead-center position, a one-piece connecting element 74 for connecting the piston 40 to the restoring element 66 with a positive fit having a snap-in connection for connecting the connecting element 74 and the at least one recess 76 formed in the piston 40, wherein the connecting element 74 is an essentially annular component, an inner region of the connecting element providing a positive-fit connection to the piston 40, and an outer region of the connecting element providing a connection to the restoring element 66, and the recess formed in the piston is an annular groove 76.

Allowable Subject Matter

Claims 6-9 and 16-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior Art

Prior art made of record but not relied upon is considered pertinent to Applicant's disclosure and consists of ten patents.

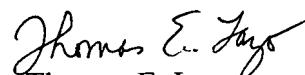
Simon, Guentert et al. '604, Furuta, Guentert et al. '574, Hamutcu, Streicher, Guentert et al. '832, Guentert et al. '350, Kuhn et al, and Steffes are cited to show radial piston pumps with connecting elements.

Contact Information

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thomas Lazo whose telephone number is (571) 272-4818. The examiner can normally be reached on Monday-Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Edward Look, can be reached on (571) 272-4820. The fax phone number for this Group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas E. Lazo
Primary Examiner
Art Unit 3745
May 24, 2007